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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------------|---------------------|------------------|
| 10/657,659      | 09/08/2003  | Edward F. Andrewlavage JR. | ADP-167.1           | 2175             |

23520 7590 01/30/2006

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EXAMINER

NGUYEN, PHONG H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3724

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/657,659 | <b>Applicant(s)</b><br>ANDREW LAVAGE, EDWARD F. |  |
|                              | <b>Examiner</b><br>Phong H. Nguyen   | <b>Art Unit</b><br>3724                         |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 4-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dryon.

Regarding claims 1 and 4, Dryon teaches a method for separating a pane of a brittle material from a moving sheet of material comprising the steps of:

- (a) releasably engaging the moving sheet within an area defined by the to-be-separated-pane (belts 8, 9);
- (b) rotating the to-be-separated-pane about an axis which substantially coincides with the separation line (at the location where belt assembly 4 and 7 meet); and
- (c) passively moving the separated pane relative to the moving sheet using gravity (gravity force separates the pane from the moving sheet since gravity force pulls the pane down from an inclined surface formed by the belt assembly 4 to a horizontal surface formed by the belt assembly 7).

Regarding claim 2, the sheet has a vertical vector component. See Fig. 3.

Regarding claims 5 and 9, Dryon teaches a method for separating a pane of a brittle material from a moving sheet of material comprising the steps of:

- (a) releasably engaging the moving sheet within an area defined by the to-be-separated-pane (belts 8, 9);
- (b) rotating the to-be-separated-pane about an axis which substantially coincides with the separation line (at the location where belt assembly 4 and 7 meet); and
- (c) moving the separated pane relative to the moving sheet by using spring force (spring 32 pulls the pane 37 down from an inclined surface to a horizontal surface).

Regarding claim 6, gravity force plays a part of pulling the pane 37 down from an inclined surface to a horizontal surface.

Regarding claim 7, the sheet has a vertical vector component. See Fig. 3.

#### *Allowable Subject Matter*

- 3. Claims 3, 8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

- 4. Applicant's arguments filed 01/17/2006 have been fully considered but they are not persuasive.

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Applicant's argument with respect to the finality of the Office action dated on 11/16/2005 is persuasive. Therefore, the finality of the previous Office action is withdrawn accordingly.

Regarding Applicant's argument with respect to claim 5, the workpieces 21 and 37 in Dryon continuously move during the breaking process; therefore, Dryon meets the claim language.

Regarding Applicant's argument with respect to claim 1, according to Merriam Webster Online, "passive" means receptive to outside influences. Since the separated pane is under influenced of both the spring 32 and the gravity force, Dryon meets the claim language.

Regarding Applicant's argument with respect to claim 2, 7 and 11, independent claims 1 and 5 states the movement of the workpiece described by a vector. A vector is characterized by a vertical vector and a horizontal vector. The workpiece in Dryon has a vertical vector; therefore, Dryon meet the claim language.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

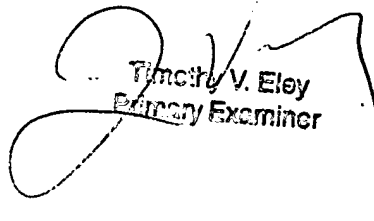
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 10, 2005

PN: 

  
Timothy V. Eley  
Primary Examiner